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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,077	09/09/2003	Edwin Arturo Heredia	MS1-1354US	1406
22801 7590 02/04/2010 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				
EXAMINER PENG, FRED H				
ART UNIT 2426		PAPER NUMBER		
NOTIFICATION DATE 02/04/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

### Office Action Summary

**Application No.**

10/658,077

**Applicant(s)**

HEREDIA, EDWIN ARTURO

**Examiner**

FRED PENG

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-27, 30, 57 and 60-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25, 26, 30, 57, 60, 61 and 63 is/are rejected.
- 7) ☒ Claim(s) 27 and 62 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### DETAILED ACTION

1. Claims 25-27, 30, 57 and 60-63 are pending in this application.
2. The Non-Final Office Action of 10/27/2009 is fully incorporated into this Final Office Action by reference.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25, 30, 57, 60 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marconcini et al (US 6,834,110), Cocotis et al (US 2002/0112162) in view of Sudia (US 6,209,091) and Applicant's admitted prior art (AAPA).

Regarding Claims 25 and 60, Marconcini discloses a system with corresponding method configured to provide a supplemental television content architecture comprising (see Marconcini, fig. 5 for architecture, col. 5, ll. 61-65 for method, col. 12, ll. 45-48 for metadata, see abstract and title for TV content, see col. 15, ll. 34-36 for signing):

a processor (inherent in the system);

an application executable on the processor, comprising a collection of files (see Marconcini, col. 50, ll. 45-47 for application files, Col. 88, ll. 5-50) but is not explicit about the application is a supplemental television application delivered through an interconnecting channel separate from a channel used to deliver broadcast media.

However, AAPA discloses supplemental content such as a collection of files may be delivered using the same communication channels as the broadcast media, or may be delivered

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through separate interconnecting channels like an internet connection (Background of the invention).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Marconcini with AAPA to provide separate channel such as popular internet as alternative channel to provide supplemental content; thereby improve bandwidth usage for main channel.

Marconcini also discloses a cluster of the files, wherein the cluster is a subset of the files grouped through a logical organization (Marconcini shows clusters are set of files grouped in logical organization (see Marconcini, abs, col. 5, l. 63 - col. 6, l. 8) as well as clusters having the inherent property of sets of files grouped logically),

The files comprising:

A signature file comprising a cluster signature, a reference to the cluster, and a time version information (see Marconcini, col. 27, ll. 28-40, the expiration date is a time version record for the cluster (the SC) and is stored in the BOM (signature file));

A security information resource file comprising a cluster information metadata, a signature location metadata, and a delegate metadata (see Marconcini, figs. 1, 2, col. 7, l. 65 - col. 8, l. 10, col. 27, ll. 5-59, with cluster info metadata such as metadata digest, signature location, a clearinghouse URL where further signature verification may be done, delegate information such as a clearinghouse URL); and Marconcini shows that the start file(s) describe parameters to execute an associated application (see Marconcini, col. 83, ll. 28-52, col. 88, ll. 30-40, as helper file(s) in execution of web browser enhancement functions, as well as the inherent property of a start file to describe information (parameters) in order to execute an application, including all processing of SCs, such as link to security info file);

Furthermore, AAPA admitted the start file is an initial file and is commonly used to carry application run parameters and references an application boot file to start execution of the application (Para 31, Para 87 of US 2004/0068757, publication of the applicant's application); therefore, it is obvious or inherent to include a start file to run an application file.

Marconcini shows that a delegate is an entity authorized to sign or verify an event (see Marconcini, col. 3, II.5-59, an inherent property of a delegate is its authorization to verify in addition to a main signer, an electronic store vis-a-vis the content provider).

Marconcini shows determining a delegate name and constraints, wherein constraint comprises time boundaries (see Marconcini, col. 9, I. 60 - col. 10, I. 15, such as use of a clearing house or electronic store for distribution of time limited or licensed data).

Additionally, Cocotis teaches delegation of verification authority (see Cocotis [30], fig. 1, secure transaction authority server is example) where said delegate name and constraints are determined, and cluster signature has hash code for each of the files, Cocotis [31-32]).

And, Sudia, who discloses a digital signature system, teaches delegation of verification authority (see col. 2, I. 48 - col. 3, I.43, determining a delegate and time constraint).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Marconcini and Cocotis with Sudia giving the authorizing agent a delegation mechanism (see, Sudia, col. 3, II. 38-41).

Wherein the time version information describes the version of the signature file as a function of the files in the cluster, and wherein the delegate metadata comprises identity and constraints of a delegate (see Sudia, col. 2, II. 53-67, operational shares define the signature as a function of the signing devices or operators representing association of files in the cluster (see Sudia, col. 8, I. 16 - col. 9, I. 35, col. 28, II. 19-36);

Wherein the delegate metadata comprises identity of a delegate (see Marconcini, col. 9, I. 60 - col. 10, I. 15, use of clearing house or electronic store denotes identity of delegate).

Regarding Claim 30, Marconcini and Cocotis further disclose storing at least one of delegate information, security policy information (Marconcini, col. 27, II. 25-44, within the BOM (expression) a description of the digest algorithm or security policy info).

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Regarding Claims 57 and 63, AAPA further disclose the interconnecting channel separate from the channel used to deliver broadcast media comprises an Internet connection (Background).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include Internet connection as commonly used alternative route for supplemental content.

5. Claims 26 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marconcini et al (US 6,834,110) and Cocotis et al (US 2002/0112162) in view of Sudia (US 6,209,091) and AAPA and further in view of Wall et al (US 2002/0120939).

Regarding Claims 26 and 61, Marconcini teaches security policy information (see Marconcini, col. 27, ll. 25-44, within the BOM (expression) an expiration date or time version info is stored as well as a description of the digest algorithm or security policy info); however the combination is unclear on location of permission request file and privacy statement;

Wall, who discloses a webcasting system, does teach security policy information data that comprises specifying a location of a permission request file or privacy statement (see Wall, [52], FAQs are permission files and privacy statement links specify location of docs).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Marconcini, Cocotis, Sudia and AAPA with that of Wall in order to direct the user to documents useful for security information via a consistent navigation scheme (see Wall, [52]).

#### ***Response to Arguments***

6. Applicant's arguments filed 11/12/2009 have been fully considered but they are not persuasive.

In reference to Applicant's arguments

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The record is devoid of any Applicant admissions of prior art. Applicant's application is devoid of any identification of the work of another as prior art; the phrase "prior art" is not found in Applicant's application. Even statements in a "Background" section of a patent application are not per se AIPA absent a statement by the Applicant identifying work of another as "prior art." Accordingly, the record contains nothing properly characterized as "AIPA."

Examiner's response

The disclosure from the Background of the invention are considered to be prior art unless is proven otherwise. The Applicant is asked to provide evidence to prove that the disclosure from the Background is from the Applicant himself and is not the prior art.

***Allowable Subject Matter***

7. Claims 27 and 62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. Claims 25-26, 30, 57, 60-61 and 63 are rejected.
9. Claims 27 and 62 are objected.
10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Correspondence Information***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:30-19:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fhp

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

January 30, 2010